

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

June 7, 2010

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, June 7, 2010 at 7:00 P.M.

The following members were present: Mayor Alan Hanks and the following Alderpersons: Bill Waugh, Patti Martinson, Sam Kooiker, Aaron Costello, Lloyd LaCroix, Malcom Chapman, Karen Gundersen Olson, Ron Weifenbach, Ron Kroeger and Deb Hadcock; and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: None.

Staff members present included Finance Officer Jim Preston, City Attorney Jason Green, Public Works Director Robert Ellis, Growth Management Director Marcia Elkins, Police Chief Steve Allender, Fire Chief Mike Maltaverne, Assistant Director Growth Management Bob Dominicak, and Administrative Coordinator Amber Sitts.

**ADOPTION OF AGENDA**

The following items were added to the agenda:

- 2011 Budget Presentation, Mayor Hanks
- Overview of Silver Street Overlay, Alderman Chapman
- Update on the Year of Unity, Alderwoman Hadcock
- Presidential Plaza Presentation

Motion was made by Chapman, second by Olson and carried to adopt the agenda as amended.

**APPROVE MINUTES**

Motion was made by LaCroix, second by Costello and carried to approve the minutes from the May 17, 2010 City Council meeting.

**GENERAL PUBLIC COMMENT**

There were no public comments offered.

Mayor Hanks gave a presentation on the 2011 budget. He explained that his goal is to have a balanced budget without cuts in services or employees, and he indicated the 2011 proposed budget is a 5.16% reduction from 2010. He briefly reviewed the budget for each department and pointed out reductions in each. Motion was made by Chapman, second by Waugh, to acknowledge the report. Mayor Hanks indicated there would be more discussion at the committee meetings with more details. Motion carried.

**NON-PUBLIC HEARING ITEMS** -- Items 1 – 94

Motion was made by Costello, second by LaCroix and carried to open the public comment for Items 1 – 61. No comments were offered.

Motion was made by LaCroix, second by Waugh and carried to close the public comment.

**CONSENT ITEMS** – Items 1 – 56

The following item was removed from the Consent Items:

17. A request to have the Attorney's Office and the Public Works Department proceed with drafting and ordinance amendment to allow off-street parking in the right-of-way on the 600 Block of Saint Cloud Street which will be brought forward at the June 16, 2010, Legal and Finance Committee Meeting.

Motion was made by Waugh, second by LaCroix and carried to approve the following items as they appear on the Consent Items.

***Alcoholic Beverage License Applications Set for Hearing (June 21, 2010)***

1. Downtown Rapid City Economic Development Corp. DBA Destination Rapid City, 606 Main Street for a Special Event Malt Beverage and Wine License for an event scheduled July 4, 2010 at Memorial Park.
2. Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street Ste. 520 and 518, for a Retail (on-off sale) Malt Beverage License TRANSFER from Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street Ste. 520
3. Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street Ste. 520 and 518, for a Retail (on-off sale) Wine License TRANSFER from Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street Ste. 520
4. Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street Ste. 520 and 518, for a Package (off sale) Liquor License TRANSFER from Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street Ste. 520

2010-2011 Retail (On-Off Sale) Malt Beverage License Renewals WITH Video Lottery

5. South City Investments LLC DBA South City Billiards, 640 E. St. Patrick St. for a Retail (on-off sale) Malt Beverage License WITH Video Lottery

2010-2011 Retail (On-Off Sale) Malt Beverage License Renewals NO Video Lottery

6. Northstar Inc. DBA Hunan Chinese Restaurant, 1720 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License
7. Los Espinos LLC DBA LaCosta Mexican Restaurant, 603 Omaha St., for a Retail (on-off sale) Malt Beverage License
8. Benjamin and Maria Munoz DBA El Ranchito Mexican Restaurant, 1012 E. North St. Ste. A, for a Retail (on-off sale) Malt Beverage License
9. Curry Masala Inc. DBA Curry Masala, 510 St. Joseph Street, for a Retail (on-off sale) Malt Beverage License
10. Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street Ste. 520 and 518, for a Retail (on-off sale) Malt Beverage License

2010-2011 Package (Off-Sale) Malt Beverage License Renewals

11. Nash Finch Company DBA Family Thrift Center #253, 1516 E. St. Patrick St., for a Package (off-sale) Malt Beverage License

12. Mini Mart Inc. DBA Mini Mart #442, 3106 W. Main St., for a Package (off-sale) Malt Beverage License
13. Mini Mart Inc. DBA Mini Mart #444, 1627 Mt. Rushmore Rd., for a Package (off-sale) Malt Beverage License
14. Mini Mart Inc. DBA Mini Mart #447, 1601 N. Haines Ave., for a Package (off-sale) Malt Beverage License
15. Mini Mart Inc. DBA Mini Mart #451, 4260 Canyon Lake Dr., for a Package (off-sale) Malt Beverage License

***Public Works Committee Consent Items***

16. No. PW051110-02 - Create a task force to study the issue of licensing taxicabs and limousines.
18. No. PW060110-01 – Acknowledge the report on Off-season fees for Irrigation Meters.
19. No. PW060110-03 – Approve Change Order No. 1F to Lipp Construction, Inc. for the Transit Shelters Installation, Project No. TS09-1835 / CIP No. 50779, for an increase of \$4,541.73.
20. No. PW060110-04 – Approve Change Order No. 1F to RCS Construction, Inc. for the 44<sup>th</sup> Street Reconstruction-Phase 1, Project No ST05-1435 / CIP No. 50365, for a decrease of \$13,152.13.
21. No. PW060110-05 – Approve Change Order No. 1F to Simon Contractors of SD, Inc. for the East North Street Maintenance Project, Project No. ST10-1867 / CIP No. 50445, for a decrease of \$721.59.
22. No. PW060110-06 – Approve Change Order No. 2F to Simon Contractors of SD, Inc. for the 5<sup>th</sup> Street Pedestrian Crossing Project, Project No. ST08-1764 / CIP No. 50750, for a decrease of \$2,512.86.
23. No. PW060110-07 – Approve Change Order No. 2F to Highmark, Inc. for the E. St. Francis Street, E. St. Anne Street, Aspen Ave., and Meade Street Water Main Reconstruction, Project No. W09-1810 / CIP No. 50626, for a decrease of \$9,567.31.
24. No. PW060110-08 – Authorize Staff to Advertise for Bids for Milo Barber Transportation Center Improvements – Site, Project No. GB08-1765 / CIP No. 50746. Estimated cost: \$590,000.00. (\$472,000 FTA Reimbursable)
25. No. PW060110-09 – Authorize Mayor and Finance Officer to Sign a Pipeline Crossing Agreement with Dakota, Minnesota, & Eastern Railroad Corporation, dba Canadian Pacific Railway, to install and maintain a pipe line for the Omaha Street Storm Water Quality Project, Project No. DR09-1801 / CIP No. 50782, for a license fee of \$1,056.00.
26. No. PW060110-10 – Authorize Mayor and Finance Officer to Sign a Professional Services Agreement with HDR Engineering, Inc. for final design, bidding, and construction services related to the St. Patrick Street Siphon Odor Control Facility Project, Project No. SS09-1825 / CIP No. 50774, in the amount of \$78,076.00.
27. No. PW060110-11 – Authorize Mayor and Finance Officer to Sign a Professional Services Agreement with Sperlich Consulting, Inc. for preliminary and final design services and bidding

services for the Corral Drive and Sheridan Lake Road Water Main Replacement Project, Project No. W10-1882 / CIP No. 50816, in the amount of \$24,490.00.

28. No. PW060110-12 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Professional Services Agreement with FourFront Design, Inc. for the Downtown Street Improvements – Phase 2, 6<sup>th</sup> Street from Omaha to Kansas City Street, Project No. ST10-1817 / CIP No. 50138, in the amount of \$26,715.00.
29. No. PW060110-13 – Authorize Mayor and Finance Officer to Sign an Agreement with SD Department of Transportation to Deposit Excess Embankment Material. January 1, 2010 through completion of State Project No.: NH 2016(17)64, PCN 6875.
30. No. PW060110-14 – Authorize Mayor and Finance Officer to Sign an Agreement with SD Department of Transportation for SDDOT to Purchase Highway Right of Way on State Highway Project No.: P 0044(129)42, PCN 00X9, Pennington County, further described as SD44 (Jackson Boulevard) from Rapid Creek to Mountain View. City Project No. SSW09-1509 / CIP No. 50351, Jackson Boulevard Utilities.
31. No. PW060110-15 – Authorize Mayor and Finance Officer to Sign Addendum #1 to the Professional Services Agreement with Ferber Engineering Company, Inc. for the Silver Street Area Utility Improvements, Project No. SSW07-1656 / CIP No. 50418, in the amount of \$27,707.50.
32. No. PW060110-17 – Approve a request by Patrick Burchill for Rapid City Economic Development Foundation to authorize preparation of an H-Lot located in the unplatted balance of Block 1 of South Creek Industrial Park located in the SW1/4 SW1/4 of Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and authorize acceptance of the deed.

#### ***Legal & Finance Committee Consent Items***

33. No. LF060210-01 – Approve request from Kent Brugger to serve and consume alcohol on city property.
34. No. LF060210-27 - Acknowledge the update on the Dakota Middle School Theater 2012 Project and moved to request the City Attorney's office to work with the Performing Arts and the Rapid City School District to draft an addendum to the Memorandum of Understanding to allow the 2012 funding to be used for the performing arts facility.
35. No. LF060210-04 – Approve revisions to the Historic Preservation Commission Bylaws.
36. No. LF060210-05 – Confirm appointment of Adeline Kalmbach to the RSVP Advisory Council.
37. Request the City Attorney's office to look at amendments to the Council policies and procedures in particular as it relates to Roberts Rules of Order and bring back a recommendation.
38. No. LF060210-06 – Acknowledge the Capital Improvements Program Committee monthly update for May 2010.
39. No. LF060210-07 – Approve the Capital Plan for Streets, Drainage and MIP Projects for May 2010.
40. No. LF060210-08 – Approve spending \$15,000 Out of CIP Contingency for the CSAC server room cooling system.

- 41. No. LF060210-09 – Approve the 2010 Parks and Recreation Facility Partnership Program grant recommendations.
- 42. Authorize changing the June 18, 2010, CIP meeting to June 25, 2010.
- 43. Acknowledge the report regarding the 2012 update from Chapman.
- 44. No. LF060210-10 – Approve Event Permit for Ketel Thorstenson for July Chamber Mixer.
- 45. No. LF060210-11 - Approve Event Permit for Rapid City Fire Department to hold Threat Preparedness Joint Training Exercise on June 17, 2010.
- 46. Acknowledge the report regarding revisions to mobile home regulations.
- 47. Acknowledge the following volunteers for workmen’s compensation purposes: George Allen Larson.
- 48. No. LF060210-14 – Approve Resolution No. 2010-062 Declaring Property Surplus.

RESOLUTION #2010-062  
RESOLUTION DECLARING PROPERTY SURPLUS

WHEREAS the below-described property is no longer necessary, useful or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes, including disposal, sale or trade-in on new equipment:

Growth Management

- 4) Light gray metal bookcase shelves 34” x 11.5”
- 1) Dark gray metal bookcase shelf 34” x 11.5”

Historic Preservation Commission

Solid Wood Window 34”w x 62”h with 6x6 divided lights

Mayor’s Office

Gateway Computer with keyboard and mouse. Model Number: E-3110 Serial Number: 0009184989 System #: 0307, Property of the City of RC Number: 15445.

Olympus Camera, ACCURA Zoom XB 70. # 7493267

General Electric Telephone Answering Machine. Property of the City of Rapid City # 10885.

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 7th day of June, 2010.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

49. No. CC060710-05 - Confirm appointment of Assistant Finance Officer Jeff Barbier.
50. No. LF060210-15 – Authorize Mayor and Finance Officer to sign Summary of Material Modifications No. 2 to the City of Rapid City Medical and Dental Plans.
51. No. LF060210-16 – Authorize Mayor and Finance Officer to sign Summary of Material Modifications No. 3 to the City of Rapid City Medical and Dental Plans.
52. No. LF060210-17 – Authorize Mayor and Finance Officer to sign Application for Group Insurance with Wellmark Blue Cross and Blue Shield.
53. No. LF060210-18A – Authorize Mayor and Finance Officer to sign Amended Consultant Contract/Letter of Agreement for Consultant Services between the City of Rapid City and the State of South Dakota, Department of Corrections.
54. No. LF060210-20 – Authorize staff to apply for LWCG and SCORP grants.
55. No. LF060210-25 – Authorize Mayor and Finance Officer to sign Memorandum of Agreement between the City of Rapid City and Western Resources for Dis-Abled Independence Regarding the Donation of the ADA Tribute Memorial Statue.

***Growth Management Department Consent Items***

56. No. 10PL020 – Deny Without Prejudice a request by Ron Davis of Davis Engineering, Inc. for a **Preliminary Plat** on Lots 8 thru 10 of Block 7, Lots 1R and 7 thru 11 of Block 8 and Lots 3 thru 9 of Block 10 of Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the unplatted of Tract F of the NW1/4 and Lot 1 of Block 8 of Murphy Ranch Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located at 5670 E. Highway 44.

END OF CONSENT CALENDAR

Motion was made by Kooiker, second by Chapman, to approve a request to have the Attorney's Office and the Public Works Department proceed with drafting and ordinance amendment to allow off-street parking in the right-of-way on the 600 Block of Saint Cloud Street which will be brought forward at the June 16, 2010, Legal and Finance Committee Meeting. Hadcock thanked Ellis and Public Works for their work done. Ellis confirmed that the ordinance amendment would be universal when they come across this, and they will give flexibility for existing properties. Motion carried.

**CONTINUED CONSENT ITEMS** – Items 57 – 61

The following items were removed from the Continued Consent Items:

58. No. 09PL072 - A request by Renner & Associates for Royal Nielsen for a **Preliminary Plat** on Lots A and B of Lot 15 Revised of Hillview Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 15 revised of Hillview Subdivision and the sought 293 feet of Lot 6 of Marshall Subdivision, located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the north side of East S.D. Highway 44 between Rockhill Road and Hillside Drive.

Motion was made by LaCroix, second by Costello and carried to approve the following items as they appear on the Continued Consent Items:

***Continue the following items until June 21, 2010:***

57. No. 08PL145 - A request by Sperlich Consulting, Inc. for Ronald Shape for a **Preliminary Plat** on Lot 13 of Block 6, Lots 2 thru 11 of Block 7, Lots 2 thru 11 of Block 8 of Homestead Subdivision, located in a portion of the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the eastern terminus of Homestead Street and north of Carl Avenue.
59. No. 10PL015 - A request by Bob Brandt for Rushmore Properties, LLC for a **Preliminary Plat** on Lot 10A and Lot 10B of Block 2 of Settlers Creek Townhomes, located in the N1/2 SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted parcel located in the N1/2 SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1400 Philadelphia Street.
60. No. 10PL027 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1R and 3, Eastbrooke Subdivision, all located in the SE1/4 of the SW1/4 of Section 31, T2N, R8E, & in the NE1/4 of the NW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 21 and the vacated alley of Block 1 of Brennen & Sweeney Addition of Section 6, T1N, R8E; Lot 1 of Eastbrooke Subdivision, a portion of the S1/2 of the vacated St. Louis Street right-of-way, a portion of the east 10 feet of the vacated Racine Street right-of-way and Tract B of the SE1/4 of the SW1/4, all located in the SE1/4 of the SW1/4 of Section 31, T2N, R8E, and in the NE1/4 of the NW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of East Omaha Street between Waterloo Street and LaCrosse Street.
61. No. 10PL028 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots A and B of White Eagle Ranch, located in the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located at 14870 East Highway 44.

**END OF CONTINUED CONSENT ITEMS**

Motion was made by Kroeger, second by LaCroix, to approve (No. 09PL072) a request by Renner & Associates for Royal Nielsen for a **Preliminary Plat** on Lots A and B of Lot 15 Revised of Hillsvie Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 15 revised of Hillsvie Subdivision and the sought 293 feet of Lot 6 of Marshall Subdivision, located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the north side of East S.D. Highway 44 between Rockhill Road and Hillside Drive with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing curb and gutter along the south side of S.D. Highway 44 and a sidewalk along both sides of the street or an Exception shall be obtained; 2. Prior to submittal of a Final Plat application, the design detail for the proposed detention pond shall be revised to address redline comments. The design detail may also be revised to show an open drainage channel extending south from the detention pond in lieu of a drainage pipe if desired by the applicant. In addition, the plat document shall be revised to show drainage easements as needed. If an alternate detention facility design is proposed other than the design specified in the adopted Perrine Drainage Basin Design Plan, then a drainage analysis to amend the adopted Perrine Drainage Basin Design Plan shall be submitted for review and approval demonstrating that an alternate

drainage pond design is appropriate for this area. In addition, a revised drainage design detail shall be submitted for review and approval; 4. Prior to submittal of a Final Plat application, the storage building shall be removed from proposed Lot 15RA as proposed or surety shall be posted to insure that it is removed as a part of the subdivision improvements for this property; 5. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 6. Prior to the City's acceptance of the public improvements, warranty surety shall be submitted for review and approval as required; and, 7. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council. Elkins explained that the applicant brought forward a phasing plan so the southeast lot is platted prior to the larger lot. Staff has met with the applicant and believe the stipulations protect the city's interest ensuring improvements are in place prior to platting of Lot A, allowing Lot B to move forward. Motion carried.

### **NON-CONSENT ITEMS** – Items 62 – 94

Motion was made by Olson, second by Costello and carried to open the public comment for Items 62 – 94. Gary Hamilton expressed his concern that there are too many static signs and said there should be more than two sign credits required for electronic signs. He said the issue requires more investigation and study. Pat Hamilton said we need to pay attention to businesses with legitimate needs for advertising, safety for the community and having opportunity not to have signs block views. She said the recommendation of four sign credits is moderate. Cody Champion said that he was a member of the sign committee and that there was a good cross section of the community represented. He did research on other city's regulations, and Rapid City was the largest in volume and most difficult to understand. They did their best to make the recommendation equitable for all parties involved. Brendan Casey pointed out that there are 30 fewer billboards than 3 years ago. He said the existing sign credit scenario is working, and LEDs boards were to be encouraged. He suggested the sign credits are being devalued and said this is a regulatory taking that does not get us closer to removal of billboards. He suggested the Mayor meet with the sign people before electing a committee, and he also suggested that Alderwoman Olson abstain due to a conflict of interest. Terry Olson said they understand and accept the recommendation by the task force. They prefer the code remain as is but will abide by Council recommendations. Jim Jackson pointed out that the sign businesses represent the business community. He encouraged support for Item 91 (No. CC060710-06) and recommended that the sign credits required are 2 per structure at the most. Lisa Modrick said the task force did a lot of work and the recommendation came after careful evaluation. She said the vote was unanimous except for 3. Debra Jensen said citizens are interested in the issue of billboards. She said the work of the task force is important and should be presented to the public.

Sandra Runde expressed her support for Item 78 (No. LF060210-26).

Ron Bradeen explained that he was hired for the city surplus action and expressed his disappointment that a competing firm was hired for the Cleghorn School surplus. He does not understand why his company was not contact for the bid.

Tracy Bernard, Chris Johnson, Les Kinstand for Phil Lampert, Mike Derby for Ben Snow, Pat Getsinger, and John Brewer for Jack Lynass expressed their support for the time extension request by the St. Joe Investment Group. Jim Diddier said he would like things on a level playing ground and asked how many more extensions there will be to get locked-in funding and a completed project.

Motion was made by Chapman, second by Costello and carried to close the public comment for Items 62 – 94.

**Ordinances**

Ordinance 5616 (No. LF060210-21) An Ordinance to Amend the Homeowner Permits Exemption Established by the Rapid City Electrical Code by Amending Subsection 80.5 of Section 15.16.020 of Chapter 15.16 of the Rapid City Municipal Code. Motion was made by Olson, second by Waugh, and carried that Ordinance 5616 be placed upon its first reading. The title was fully and distinctly read and second reading set for Monday, June 21, 2010

Ordinance 5614 (No. 10RZ034) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from Medium Density Residential District to General Commercial District** on Tract B of the SE¼ of the SW¼, a portion of the S1/2 of vacated St. Louis Street right-of-way, a portion of the east 10 feet of vacated Racine Street right-of-way, all located in Section 31, T2N, R8E, and the vacated alley located in Block 1 of Brennen And Sweeney Addition, in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE¼ of the SW¼ of Section 31, T2N, R8E, BHM, and the point of beginning, Thence first course: N89°58'29"W, along the southerly boundary of said Tract B, a distance of 165.60 feet, to the northeasterly corner of Vacated Alley of Block 1, Brennen and Sweeney Addition; Thence second course: S00°05'14"W, along the easterly edge of said Vacated Alley, a distance of 62.12 feet; Thence third course: N89°56'48"W, along the southerly edge of said Vacated Alley, a distance of 20.00 feet; Thence fourth course: N00°05'14"E, along the westerly edge of said Vacated Alley, a distance of 62.11 feet; Thence fifth course: N89°58'29"W, along the southerly boundary of said Tract B, a distance of 265.11 feet; Thence sixth course: N00°02'43"E, a distance of 333.80 feet; to a point on the southerly boundary of Lot A of Blakes Addition; Thence seventh course: S89°30'42"E, along the southerly edge of said Lot A, a distance of 449.43 feet; Thence eighth course: S00°10'47"E, along the easterly boundary of said Tract B, a distance of 330.17 feet, to the southeasterly corner of said Tract B, and the point of beginning, located north of East Omaha Street between LaCrosse Street and Racine Street. Motion was made by Olson, second by Weifenbach, and carried that Ordinance 5614 be placed upon its first reading. The title was fully and distinctly read and second reading set for Monday, June 21, 2010

Ordinance 5615 (No. 10RZ035) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lot 1 of Eastbrooke Subdivision, a portion of the S½ of vacated St. Louis Street right-of-way and a portion of Racine Street right-of way Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Eastbrooke Subdivision, common to a corner on the easterly edge of Waterloo Street Right-of-way, and the point of beginning, Thence first course: S89°51'08"E, along the northerly boundary of said Lot 1, common to the easterly edge of said Waterloo Street Right-of-way, a distance of 17.37 feet; Thence second course: N00°16'04"E, along the northerly boundary of said Lot 1, common to the easterly edge of said Waterloo Street Right-of-way, a distance of 4.07 feet; Thence third course: S89°49'26"E, along the northerly boundary of said Lot 1, a distance of 467.30 feet, to the northeasterly corner of said Lot 1; Thence fourth course: S89°09'06"E, a distance of 28.63 feet; Thence fifth course: N00°12'18"E, a distance of 4.94 feet; Thence sixth course: S89°30'42"E, a distance of 31.32 feet; Thence seventh course: S00°02'43"W, a distance of 274.08 feet; Thence eighth course: N89°51'02"W, a distance of 60.52 feet, to the southeasterly corner of said Lot 1; Thence ninth course: N89°51'02"W, along the southerly boundary of said Lot 1, a distance of 325.56 feet; Thence tenth course: N58°41'15"W, along the southerly boundary of said Lot 1, a distance of 96.18 feet; Thence eleventh course: S89°54'47"W, along the southerly boundary of said Lot 1, a distance of 77.04feet, to the southwestly corner of said Lot 1; Thence twelfth course: N00°13'38"E, along the westerly boundary of said Lot 1, common to a point on the easterly edge of said Waterloo Street Right-of-way, a distance of 216.37 feet, to the northwesterly corner of said Lot 1 and the point of beginning, located north of East Omaha Street between Waterloo Street and Racine

Street. Motion was made by Olson, second by Weifenbach, and carried that Ordinance 5615 be placed upon its first reading. The title was fully and distinctly read and second reading set for Monday, June 21, 2010

Ordinance 5618 (No. 10RZ036) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Public District** of Lots A and B of Lot 3, Lot B of Lot 4, North 202 feet of Lot 4 and the vacated street lying east and adjacent to Lot 4, all in Block 2 of Cleghorn Canyon Subdivision #2; and all of Block 1 of Cleghorn Canyon Subdivision #2, all located in the SW1/4 of Section 8, T1N, R7E, BHM, Pennington County, South Dakota; and the Right-of-way Lot CS in Block 1 of Cleghorn Canyon Subdivision #2 known as Cleghorn Canyon Lane, and Cleghorn Canyon Road adjacent to and south of Block 1 of Cleghorn Canyon Subdivision #2 and south of the vacated street lying east and adjacent to Lot 4 of Block 2 of Cleghorn Canyon #2, and the private lane adjacent and north of Lot B of Lot 4 of Block 2 of Cleghorn Canyon Subdivision #2, all located in the SW1/4 of Section 8, T1N, R7E, BHM, Pennington County, South Dakota, located north of Cleghorn Canyon Road and west of Jackson Boulevard. Motion was made by Olson, second by Costello, and carried that Ordinance 5618 be placed upon its first reading. The title was fully and distinctly read and second reading set for Monday, June 21, 2010

Ordinance 5619 (No. 10RZ037) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** of Lot 7 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2806 East Fairmont Street. Motion was made by Olson, second by Costello, and carried that Ordinance 5619 be placed upon its first reading. The title was fully and distinctly read and second reading set for Monday, June 21, 2010

Ordinance 5620 (No. 10RZ038) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** of Lot 36 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2808 Cactus Drive. Motion was made by Olson, second by Waugh, and carried that Ordinance 5620 be placed upon its first reading. The title was fully and distinctly read and second reading set for Monday, June 21, 2010

Ordinance 5621 (No. 10RZ039) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** of Lot 14 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2707 Cactus Drive. Motion was made by Olson, second by Weifenbach, and carried that Ordinance 5621 be placed upon its first reading. The title was fully and distinctly read and second reading set for Monday, June 21, 2010

Ordinance 5622 (No. 10RZ040) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** of Lot 33 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2802 Cactus Drive. Motion was made by Olson, second by Costello, and carried that Ordinance 5622 be placed upon its first reading. The title was fully and distinctly read and second reading set for Monday, June 21, 2010

### ***Growth Management Department Items***

Motion was made by Costello, second by Hadcock and carried to continue to the June 10, 2010 Planning Commission meeting at the applicant's request (No. 09PL047) a request by Centerline, Inc. for PLM Land Development, LLC for a **Preliminary Plat** on Lots 36 thru 53 of Block 1 of PLM Subdivision,

located in the N1/2 NW1/4 and the unplatted SW1/4 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance located in the N1/2 NW1/4 and the unplatted SW1/4 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the eastern extension of Conestoga Court.

Motion was made by Costello, second by Olson and carried to approve (No. 09PL074) A request by Fisk Land Surveying & Consulting Engineers for Ehli Family Trust for a **Preliminary Plat** on Lots C, D and E of Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the east 90 feet less north 8.5 feet of Block 103, the west 50 feet less the north 8.5 of Block 102, the east 115 feet less the north 8.5 feet of Block 102 all in Mahoney Addition, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 125, 131 and 133 MacArthur with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, the applicant shall dedicate one foot of additional right-of-way or obtain a Variance to the Subdivision Regulations; 2. Prior to Preliminary Plat approval by the City Council, the applicant shall provide construction plans for Mac Arthur Street extending the pavement surface from 24 feet in width to 27 feet in width or obtain a Variance to the Subdivision Regulations; 3. Prior to Preliminary Plat approval by the City Council, a cost estimate for any required subdivision improvements shall be submitted for review and approval; 4. Upon submittal of a Final Plat application, surety shall be posted for any required subdivision improvements that have not been completed and the subdivision inspection fees shall be paid; 5. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and 6. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

Motion was made by Costello, second by Waugh and carried to approve (No. 10PL019) a request by FourFront Design, Inc. for Jim Mirehouse for a **Preliminary Plat** on Lot D of Block 1 of South Creek Industrial Park, located in the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4, Section 8, T1N,R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 1 less Lots 1 thru 8 of South Creek Industrial Park, located in the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4, Section 8, T1N,R8E, BHM, Rapid City, Pennington County, South Dakota, located south of E. Tallent Street between Creek Drive and South S.D. Highway 79 with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, construction plans showing the installation of a 20 foot wide paved surface along the 59 foot wide public access and utility easement shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval by the City Council, a utility plan shall be submitted for review and approval demonstrating that the existing water and sewer lines are located in the existing and proposed utility easements or the plat document shall be revised to dedicate utility easements as needed; 3. Prior to Preliminary Plat approval by the City Council, the plat and site plan shall be revised to address all red lined comments. In addition, the revised plat and site plan, along with the red lined comments, shall be submitted to the Growth Management Department for review and approval; 4. Prior to Preliminary Plat approval by the City Council, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 5. Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the "Resolution by Governing Board" certificate; 6. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 8. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

Motion was made by Costello, second by Olson and carried to approve (No. 10PL021) a request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 22 of Block 4, Lots 1 thru 15 of Block 5, Lots 1 & 2 of Block 6, Lot 1 of Block 7, Rust Ridge Court right-of-way, Fieldstone Drive right-of-way and Vinecliff Drive right-of-way of Elks Crossing, located in the E1/2 of the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as an unplatted portion of the E1/2 of the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road on Fieldstone Drive with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; 2. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the cul-de-sac bulb for Rust Ridge Court with a minimum 96 foot diameter paved surface in lieu of a 94 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement; 4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along the entire west lot line of Lots 15 and 20 of Block 4 or an Exception to the Street Design Criteria Manual shall be obtained; 5. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to eliminate the proposed parking lot on Lot 13, Block 4. In addition, the construction plans shall be revised to show water and sewer service to the lot or a Variance to the Subdivision Regulations shall be obtained; 6. Prior to Preliminary Plat approval by the City Council, a Master Utility Plan showing private utilities shall be submitted for review and approval; 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 8. Upon submittal of a Final Plat application, the applicant shall submit a copy of a recorded covenant agreement which states that fire sprinkler protection shall be provided for any one and/or two family dwelling units greater than 3,600 square feet in area and for all commercial construction; 9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 11. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

### ***Legal & Finance Committee Items***

Motion was made by Olson, second by Weifenbach and carried to continue Items 74 and 75 to the June 21, 2010 City Council meeting.

- 74. No. LF042810-05 – Resolution No. 2010-038 to Establish the Position of Airport Electrician.
- 75. No. LF042810-06 – Resolution No. 2010-052 to Amend the City of Rapid City Compensation Plan by Reclassifying the Position of Deputy Airport Director.

Motion was made by Olson, second by Weifenbach and carried to approve (No. LF060210-02) a request staff to work with the American Red Cross, Black Hills Chapter to draft a lease for Fire Station #7.

Motion was made by Olson, second by LaCroix, to approve the (No. LF060210-03) recommendations from the Sign Code Task Force. Brad Solon reviewed the task force recommendations explaining that the recommendation is to amend the code to require that four sign credits per sign face be surrendered to install a new off-premise sign or to convert an existing static off-premise sign per sign face to digital. The Sign Task Force also recommended that a citizen task force be assigned for long term solutions. Olson said citizen committees take time and give their best effort and look at things fairly. We should

take their advice and move forward. Kroeger said he has concerns with what was brought forward, and he pointed out that supply and demand run any business. Green clarified that the moratorium for off-premise signs will continue until June 15, 2010 unless otherwise directed by Council.

Substitute motion was made by Kroeger, second by Hadcock, to continue the moratorium on off-premise digital signs for 60 days. Kroeger indicated that on-premise signs are not the issue and added that technology is penalizing the sign companies. He will not support putting four sign credits on a sign company. Weifenbach is not in favor of the moratorium. He said there is ability to get together and meet in-between if we work together. He said we should enforce the ordinance, and he pointed out that if it is equitable to remove signs sign companies would probably be happy to do it. Responding to Weifenbach, Solon confirmed he was chair of the task force and was at the Legal and Finance meeting. Kooiker said that in 2003 or 2004 Council was cautioned that they were creating a system of currency in credits by implementing the code.

Amendment motion was made by Kooiker, second by Kroeger, to request a written opinion from the City Attorney regarding concerns over the taking or devaluation of sign credits. Chapman indicated he is opposed to this entire discussion as it should be based on the recommendations from the task force. LaCroix agreed with Chapman. Upon roll call vote being taken, the following voted AYE: Kooiker, Weifenbach, Kroeger and Hadcock; NO: Waugh, Martinson, Costello, LaCroix, Chapman and Olson. Amendment motion failed.

Mayor Hanks clarified that the original moratorium was on all off-premise signs. Kroeger confirmed he would like to correct his motion to continue the moratorium for 60 days on all off-premise signs, and Hadcock agreed to the correction. Responding to Kroeger, Solon said there are 220 off-premise signs in Rapid City, so we have lost about 10% of the signs in the past 3 years. Kroeger is willing to listen to the committee but is not interested in approving the four sign credit recommendation. Responding to Kroeger, Brendan Casey said he has no problem with 60 days and Terry Olson said he would. Chapman asked that the Council vote down the substitute motion. Responding to Chapman, Kroeger said continuing the moratorium would force both sides to continue the discussion and including Council members on the committee would make it easier for everyone. Chapman indicated that everyone should understand that the end result will not look exactly like they want, but he said some are coming to the table asking what is best for 'me.' He would support including Council members on the new task force. Weifenbach thanked the task force for their work and said that there is no compelling reason not to move forward with the recommendations. He suggested creating a group to identify what signs should be removed. Green explained that an ordinance must be drafted to implement the task force recommendation, so it will not be in place until second reading and publication. Hadcock said the Council has been trying to figure out how to have fewer signs for years but have not found a solution. She said this is not something you can do in a couple of meetings and said there should be more conversation. If signs were not in demand, there would be no signs, so she wants to be fair just as she would be for any one else in the community.

Amendment motion was made by Hadcock, second by Kroeger, to add five Council members to the current task force. Chapman disagreed and said they could change the recommendation in the original motion to include Council. LaCroix pointed out that there was a task force in 2006 or 2007 and said several Council members, staff and citizens were there. There is room for discussion but that is included in the original motion. Upon roll call vote being taken, the following voted AYE: Kooiker, Kroeger and Hadcock; NO: Martinson, Costello, LaCroix, Chapman, Olson, Weifenbach and Waugh. Amendment motion failed.

Responding to Costello, Green indicated that the substitute motion would have the moratorium expire 60 days from today which brings the total moratorium length to 150 days. Costello said adding Council members now shows a lack of foresight, and we should respect the efforts of the task force. If the original motion is passed, Green explained he would prepare an amendment to implement the recommendations

of the task force. First and second readings would be June 16th and July 6th if forwarded by the Legal and Finance Committee, and the ordinance would then become effective in the end of July. During that time, Green confirmed sign companies would be able to replace a static sign with digital for 2 sign credits, but they may need conditional use permits, amendments, etc. Costello indicated he is not in favor of the substitute motion, and Olson said she supports the original motion. Chapman clarified the current motion only extends the moratorium but does not form a task force. Upon roll call vote being taken, the following voted AYE: Kroeger and Hadcock; NO: Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Waugh and Martinson.

Responding to Hadcock, Mayor Hanks indicated Lamar has about 40 sign credits and Epic has 12 to 15. Hadcock asked if they would be creating a monopoly for Lamar and said we are penalizing the companies for technology. She wants to treat people fairly. It was confirmed that the recommendation is for 4 sign credits per sign face, and Kroeger pointed out that sign companies have the ability to put up a smaller sign with more clients on one board. He does not think the number of sign credits required is appropriate.

Amendment motion was made by Chapman, second by Weifenbach, to add Council members to the new task force. Mayor Hanks confirmed he will make sure this is done when appointing the new task force. Chapman withdrew his motion, and Weifenbach agreed. Costello clarified that from this point on he feels it is imperative that Council is involved. Responding to Costello, Green confirmed there is a possibility to change the ordinance prior to second reading. It was also confirmed that the new task force is not tasked to the current issue of sign credits but it is not off limits. Olson explained that she and her spouse do not have financial interest in any sign companies, and the City Attorney has confirmed she does not have a conflict of interest. Responding to Weifenbach, Green said that a company has submitted 2 conditional use permit applications, and assuming the moratorium ends on June 15th and the permits are approved, they can move forward. It was confirmed the moratorium ends of its own term on June 15, 2010. Martinson pointed out that the number of sign credits could change between now and second reading. Hadcock expressed concerns with the recommendation and said that is not how she wants to do business. Mayor Hanks pointed out that the request to form a new task force came from the sign industry. Chapman pointed out this does not have to be negative and said he thinks of this as something that could have some good come from it. Weifenbach said he is excited to be part of the new task force. Upon roll call vote being taken, the following voted AYE: Costello, LaCroix, Chapman, Olson, Weifenbach, Waugh, Martinson and Kooiker; NO: Kroeger and Hadcock. Motion carried.

Motion was made by Olson, second by LaCroix and carried to approve (No. LF060210-26) a request to authorize the Mayor and Finance Officer to sign Shared Parking Agreement and Mutual Parking Easement between the City of Rapid City and Nancy I. Bradsky, Mark S. Bradsky, and Patrick H. Vidal.

Motion was made by Olson, second by Chapman, to acknowledge support from the CIP Committee for the ordinance change to allow IT purchases through CIP. Responding to Kooiker, Green indicated he does not have the specific language for the ordinance yet. Preston explained the intent of the CIP committee, and Mayor Hanks added that the intent is to deal with it as an infrastructure issue, not for items such as computers. Kooiker indicated his support to use the CIP funds for IT to the extent of replacing brick and mortar functions. Olson agreed that the intent is to use funds for things that could be likened to infrastructure such as wiring. Chapman pointed out that we are recognizing that the definition of infrastructure has changed. Weifenbach expressed concern that there is only so much money. He supports the change but is looking for somewhere to give, such as the Parks Department as they draw from several areas of the budget. Motion carried.

Motion was made by Olson, second by Chapman, to recommend the City Council set a Special Council meeting for Wednesday, June 30, 2010, at 6:00 p.m. to receive the recommendations from the citizen groups as it relates to Phase 4 of 2012. Chapman said that as part of this meeting the remaining Phase 3 projects will give brief updates. Motion carried.

Motion was made by Olson, second by Chapman and carried to approve (No. LF060210-19) a request for preliminary approval of the FY 2009 Consolidated Annual Performance and Evaluation Report for the Community Development Block Grant Program and authorize the Mayor and Finance Officer to Sign the SF424 and Certifications for Submittal to HUD.

Motion was made by Olson, second by Waugh, to approve (No. LF051210-08A) a request to authorize Mayor and Finance Officer to sign Amended Agreement between the City of Rapid City and SYB, Inc. to Allow for Acceptance of Public Improvements before the Completion of Sidewalks for Big Sky Subdivision, Phase 10. Elkins explained that SYB is not party to outstanding lawsuits with Big Sky, and it was noted that there was a correction to the legal address. Responding to Kooiker, Hani Shafai said that Mr. Estes is not party to SYB. He said the partners are himself, Bruce Ashland and an LLC from San Francisco. Motion carried with one NO from Hadcock.

### ***Public Works Committee Items***

Motion was made by Costello, second by Kooiker, to approve (No. PW051110-01) a request to eliminate on-street parking from Jackson Boulevard near Mountain View Road due to intersection reconstruction and to schedule a special City Council meeting within 60 days. Olson pointed out that there is continuing discussion with the DOT.

Substitute motion was made by Chapman, second by Waugh and carried to continue the item to the June 21, 2010 City Council meeting.

Motion was made by Costello, second by Waugh and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of sidewalk along Meadowbrook Drive as it as they abut Lot 2, Block 2, Dunham Estates, located in Section 16, T1N, R7E, Pennington County, South Dakota, located at 3404 Meadowbrook Drive. (PW060110-16)

Motion was made by Costello, second by Waugh and carried to approve (No. PW060110-16) a request to waive the requirement to install sidewalk as per City Ordinance 12.16.080 on Lot 2 of Block 2 of Dunham Estates, located in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota with a waiver of right to protest.

Motion was made by Costello, second by Weifenbach, to acknowledge the report on (No. CC060710-04) the City Surplus Auctions. Ellis explained that Martin Jurisch has an agreement with the City to do an auction for the properties purchased through the Jackson Springs project. Public Works solicited proposals from McPherson and Martin Jurisch, and they moved forward based on the proposals submitted. Olson described the RFP for the annual auction and said it is clear it is for a specific date and place. Kooiker indicated that Bradeen receives 7.4% for the city auction, and Ellis said both proposals from Jurisch and McPherson were for 10% and a \$2,000 ad budget. Kooiker said there is no reason why the auctions cannot be combined, and he asked that this is addressed. Responding to LaCroix, Ellis explained that this RFP was not advertised since it was less than \$25,000, and he mentioned that he was trying to give another firm an opportunity with the city, for which he was previously praised. Kooiker said it is good to spread the work around but also good to get the best deal for the taxpayers. Responding to Waugh, Bradeen indicated that generally real estate auctions are done for less, but he said he would consider this auction as surplus. Responding to Hadcock, Ellis said the property has a \$10,000 to \$15,000 value, and he wanted the auction onsite because of the buildings onsite. The City auction is different and the volume gets a better price. The other option was to pay for demolition costs. Ellis said that the RFP for the City auction was not done by Public Works, but he felt there was a benefit to contract with other local companies on the Jackson Springs auction. Hadcock felt it was wrong to attack someone for doing their job well and commended Ellis for his efforts. Responding to Chapman, Kooiker suggested administration should combine the auctions or do a fair RFP. Chapman said it seems

this was put out there to try to create opportunity for other businesses, and he is comfortable with it. Motion carried with one NO from Kooiker.

Motion was made by Costello, second by Waugh, to (No. 10FV004) approve a request by Raymond Cornford, III for a **Fence Height Exception to allow a fence that exceeds six feet in the rear yard setback** on Lot 6 of Block 1 of Plum Creek Subdivision, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4012 Rosewood Lane with the following stipulations: 1. Prior to approval by the Public Works Committee, the applicant shall obtain approval by the City Engineer to locate a fence in the drainage and utility easement, or shall vacate the drainage easement or shall submit a revised site plan relocating the fence outside of the drainage easement; 2. Prior to approval by the Public Works Committee, the applicant must submit a drainage plan identifying the location of the existing downspouts and drainage arrows identifying the location and direction of the drainage flows; and, 3. A building permit shall be obtained prior to the start of construction. Responding to Weifenbach, Elkins explained the fence would be 6'6" on the rear of the lot, and since it exceeds 6', an exception is required. Motion carried.

### ***Bids***

The following companies submitted bids for (No. CC060710-02.1) Saint Joseph Street Landscaping; SDDOT Project No. P0ENH (192) PCN02FU; City of Rapid City Project No. ST09-1818 / CIP No. 50771 opened June 1, 2010: Rangel Construction. Staff reviewed the bids and recommends bid award to Rangel Construction. Motion was made by Waugh, second by Olson, to approve the bid award to Rangel Construction in the amount of \$267,614.79 contingent on the approval of SDDOT. Ellis explained that they received transportation enhancement funds for this project and the remaining funds are funded by grants, which came because of applications by the Beautification Committee. Olson expressed her appreciation for the committee's efforts. Motion carried.

The following companies submitted bids for (No. CC060710-02.2) Brentwood Subdivision Grading and Surfacing Completion; Project No. ST10-1863 opened on June 1, 2010: Simon Contractors of SD Inc. and Hills Materials Company. Staff reviewed the bids and recommends bid award to Hills Materials Company. Motion was made by LaCroix, second by Waugh, to approve the bid award to Hills Materials Company in the amount of \$43,900.00. Ellis explained this project is outside City limits, but they are using surety money to complete the project as it was not completed by the developer. Motion carried.

### ***Mayor's Items***

At this time, Finance Officer Jim Preston administered the Loyalty Oath to Jeff Barbier, Assistant Finance Officer.

Motion was made by Costello, second by Olson, to approve (No. CC060710-06) Resolution 2010-069 - A Resolution Ending the Moratorium on the Acceptance of Applications for On-Premise Sign Permits. Olson indicated her support as the real issues have more to do with off-premise signs. Weifenbach agreed but said there are still a lot of issues with on-premise signs.

Amendment motion was made by Weifenbach, second by Martinson, to include ending the moratorium for off-premise signs also. Green briefly explained the alterations that would be done to the resolution. Responding to Kroeger, Solon indicated he was unsure how many on-premise signs there are in Rapid City. Hadcock expressed concern with the task force recommendations to more stringently enforce the ordinances currently in place for on-premise signs. Responding to Chapman, Green explained that the effective date is 20 days after publication, but it is clear the intent of the Council is to stop the moratorium immediately, which will happen tomorrow if directed by Council. Chapman said we should let the moratorium end naturally, but Weifenbach said there are people that need to move forward with their work. Amendment motion carried.

Responding to Chapman, Green explained that the purpose of 20 days after publication is to allow the referendum to operate, and he does not believe this is a referable action. Motion carried as amended.

RESOLUTION #2010-069

A RESOLUTION ENDING THE MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ON-PREMISE SIGN PERMITS AND OFF-PREMISE SIGN PERMITS

WHEREAS, on March 15th, 2010, the Rapid City Common Council passed a resolution establishing a ninety (90) day moratorium on the acceptance of applications for certain sign permits, including those for on-premise signs; and

WHEREAS, on April 19, 2010, the Rapid City Common Council approved the appointment of an Ad Hoc Billboard Task Force composed of community members and representatives of the sign industry to make recommendations related to the installation of digital billboards, the conversion of traditional static billboards to digital billboards and issues related to the display of off-premises messages on on-premise signs; and

WHEREAS, the ad hoc task force has completed its work and made specific recommendations to the Rapid City Common Council regarding both on-premise and off-premise digital signs; and

WHEREAS, the Ad Hoc Billboard Task Force has recommended that no changes be made to the portions of the Rapid City Municipal Code governing on-premise signs; and

WHEREAS, based on the recommendation of the Ad Hoc Billboard Task Force the Rapid City Common Council finds that it is in the best interests of the City of Rapid City to end the moratorium on the acceptance of applications for sign permits as it pertains to on-premise signs.

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that the moratorium on the acceptance of applications for on-premise signs is hereby terminated; AND

BE IT FURTHER RESOLVED, by the City of Rapid City that the moratorium on the acceptance of applications for off-premise signs is hereby terminate.

Dated this 7th day of June, 2010.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

**Council Items & Liaison Reports**

Alderwoman Martinson addressed (No. CC060710-07) City Ordinance for Yard Care and explained that a constituent is looking for more stringent standards for taking care of property. Green said we have the nuisance standard, but he will research further and report to committee. Motion was made by LaCroix, second by Chapman and carried to acknowledge the report.

Larry Canfield and Norman Drake, St. Joe Investment Group, gave a presentation with a project update on the Presidential Plaza, and they explained they need a time extension to get financing in place. Chapman said this could be an attraction, and responding to Chapman, Drake pointed out this type of structure can sometimes generate additional revenue. Drake said financing could take another 2 to 5

months, and he confirmed a 6 month extension would be sufficient. Kooiker suggested considering new Council and the special election and said a short term extension would be reasonable.

Motion was made by Kooiker, second by Olson, to grant an extension to July 19, 2010 and ask that the item is added to that City Council agenda. Responding to Olson, Drake confirmed the design of the building is scalable. Responding to a question from Costello, Drake explained that they worked with a bank that lost interest and the only reason given was that the project was in South Dakota. He said that the current source they are working with is not their last resort. Weifenbach expressed concern for the process, and when asked, Green said that no funds have been moved at this point. Hadcock said this is a good project and said a time line of 6 months is realistic.

Amendment motion was made by Hadcock, second by Martinson, to grant an extension to December 6, 2010. Chapman suggested changing the date to December 31, 2010, and Martinson indicated her support with the understanding that if they get financing in place they will bring it forward right away. Responding to Weifenbach, Drake confirmed there has been no change in ownership or developers, and Weifenbach then asked for the Mayor's opinion. Responding to LaCroix, Green confirmed the City currently has 2012 funds, TIF funds and the land on the table. LaCroix and Olson expressed their support for the extension. Chapman said there was pressure to get agreements in place, and he said the bottom line is if the Council is willing to extend the agreements. Mayor Hanks said that he feels the best use for the land is for the multi-use facility, so he agrees with giving the city's partners an opportunity to get the financing. Amendment motion carried.

Upon vote being taken on the original motion as amended, motion carried.

#### Motion for Delivery of Items from Committee

Alderman Kooiker addressed the Direction on Resolution on Council Notification Procedures, and he said at minimum there should be a report but preferably a resolution. Motion was made by Kooiker, second by Waugh, to request that the Legal and Finance Committee deliver this item. Mayor Hanks explained that the item will go to committee but it must be delivered to the full Council. Olson said transparency is important and is certain this will be treated appropriately. Costello pointed out that the item was tabled because no one was there to address it at committee previously. Hadcock said if an item is brought forward it should be followed through. Weifenbach explained that he was late for the committee meeting and missed the item. Motion carried.

Elkins explained the Silver Street overlay project and said there is a neighborhood meeting set for June 22, 2010. Motion was made by Olson, second by Chapman and carried to acknowledge the report.

Alderwoman Hadcock gave a report on the Year of Unity Committee. Motion was made by Chapman, second by Olson, to acknowledge the report. Martinson requested an update on upcoming events, and Hadcock agreed to send information to Council. Motion carried.

#### **Staff Items**

Ellis indicated there is no report for the (No. CC060710-03) Vision 2012 Update. Motion was made by Chapman, second by Costello, to acknowledge the report. Chapman reported on the Phase 4 process thus far, and Martinson commented that the committees benefit from Council presence as well. LaCroix thanked Chapman for his efforts. Motion carried.

#### **PUBLIC HEARING ITEMS** – Items 95 – 225

Motion was made by Olson, second by Weifenbach and carried to open the public hearing for Items 95 – 225. Terry Olson addressed items 224 and 225 (No. 10UR004 and No. 10UR005) and asked for Council support.

**CONTINUED PUBLIC HEARING CONSENT ITEMS** – Items 95 – 103

Motion was made by LaCroix, second by Waugh and carried to approve the following items as they appear on the Continued Public Hearing Consent Items.

***Continue the following items until June 21, 2010:***

95. No. 10CA013 - A request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the future land use designation from Medium Density Residential to General Commercial with a Planned Commercial Development** on a portion of Tract B of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$ , a portion of the S $\frac{1}{2}$  of vacated St. Louis Street right-of-way, and a portion of the east 10 feet of vacated Racine Street right-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 31, T2N, R8E, BHM, and the point of beginning, Thence first course curving to the left, along, on a curve with a radius of 354.60 feet, a delta angle of 62°52'17", a length of 389.11 feet, a chord bearing of N56°16'05"W, and chord distance of 369.88 feet; Thence second course: N90°00'00"W, a distance of 142.94 feet; Thence third course: N00°02'43"E, a distance of 128.60 feet; Thence fourth course: S89°30'42"E, a distance of 449.43 feet; Thence fifth course: S00°10'47"W, along the easterly boundary of said Tract B, a distance of 330.17feet to the point of beginning, located north of East Omaha Street between Racine Street and LaCrosse Street.
96. No. 10CA014 - A request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the future land use designation from Mobile Home Park to General Commercial with a Planned Commercial Development** on a portion of Tract B of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$ , a portion of the east 10 feet of vacated Racine Street right-of-way, and a portion of Racine Street right-of-way, all located in Section 31, T2N, R8E, and a portion of Racine Street right-of-way, Lots 1 thru 4, 21 and a portion of Lots 5 thru 20 and the vacated alley located in Block 1 of Brennen and Sweeney Addition, all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 31, T2N, R8E, BHM, common to the northeasterly corner of Block 1 of Brennen and Sweeney Addition, and the point of beginning, Thence first course: S00°16'07"W, along the easterly boundary of said Block 1, a distance of 106.27 feet; Thence second course: S89°47'39"W, a distance of 510.47 feet, to a point on the westerly edge of Racine Street Right-of-Way; Thence third course: N00°12'21"W, along the westerly edge of said Racine Street Right-of-Way, a distance of 108.08 feet, to a point on the section line common to Section 31, T2N, R8E, BHM, and Section 6, T1N, R8E, BHM; Thence fourth course: N00°09'45"W, along the westerly edge of said Racine Street Right-of-Way, a distance of 60.09 feet, to the southeasterly corner of Lot 1 of Eastbrooke Subdivision; Thence fifth course: S89°51'02"E, distance of 60.52 feet; Thence sixth course: N00°02'43"E, a distance of 145.48 feet; Thence seventh course: S90°00'00"E, a distance of 142.94 feet; Thence eighth course curving to the right, along, on a curve with a radius of 354.60 feet, a delta angle of 62°52'17", a length of 389.11 feet, a chord bearing of S56°16'05"E, and chord distance of 369.88 feet, to the southeasterly corner of said Tract B, common to the northeasterly corner of said Block 1, and the point of beginning, located north of East Omaha Street between Racine Street and LaCrosse Street.
97. No. 10CA015 - A request by Dream Design International, Inc. for an **Amendment to the adopted Comprehensive Plan to change the future land use designation from Medium Density**

**Residential to Office Commercial with a Planned Commercial Development** on a portion of Lot 1 of Eastbrooke Subdivision, a portion of the S½ of vacated St. Louis Street right-of-way and a portion of Racine Street right-of way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Eastbrooke Subdivision, and the point of beginning, Thence first course: S89°51'08"E, along the northerly boundary of said Lot 1, a distance of 17.37 feet; Thence second course: N00°16'04"E, along the northerly boundary of said Lot 1, a distance of 4.07 feet; Thence third course: S89°49'26"E, along the northerly boundary of said Lot 1, a distance of 467.30 feet, to the northeasterly corner of said Lot 1; Thence fourth course: S89°09'06"E, a distance of 28.63 feet; Thence fifth course: N00°12'18"E, a distance of 4.94 feet; Thence sixth course: S89°30'42"E, a distance of 31.32 feet; Thence seventh course: S00°02'43"W, a distance of 128.60 feet; Thence eighth course: N89°57'17"W, a distance of 545.03 feet, to a point on the westerly boundary of said Lot 1; Thence ninth course: N00°13'38"E, along the westerly boundary of said Lot 1, a distance of 121.33 feet, to the northwesterly corner of said Lot 1 and the point of beginning, located north of East Omaha Street between Waterloo Street and Racine Street.

98. No. 10CA016 - A request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the future land use designation from Mobile Home Park to Office Commercial with a Planned Commercial Development** on a portion of Lot 1 of Eastbrooke Subdivision, and a portion of Racine Street right-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 1 of Eastbrooke Subdivision, and the point of beginning, Thence first course: N00°13'38"E, along the westerly boundary of said Lot 1, a distance of 95.04 feet; Thence second course: S89°57'17"E, a distance of 545.03 feet; Thence third course: S00°02'43"W, a distance of 145.48 feet; Thence fourth course: N89°51'02"W, a distance of 62.11 feet, to the southeasterly corner of said Lot 1; Thence fifth course: N89°51'02"W, along the southerly boundary of said Lot 1, a distance of 325.56 feet; Thence sixth course: N58°41'15"W, along the southerly boundary of said Lot 1, a distance of 96.18 feet; Thence seventh course: S89°54'47"W, along the southerly boundary of said Lot 1, a distance of 77.04 feet, to the southwesterly corner of said Lot 1, and the point of beginning, located north of East Omaha Street between Waterloo Street and Racine Street.
99. No. 10RZ011 - Second Reading, Ordinance 5592, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** on Lot 15 of Melody Acres No. 2, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2709 Cactus Drive.
100. No. 10RZ015 - Second Reading, Ordinance 5596, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** on Lot 17 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2803 Cactus Drive.
101. No. 10RZ020 - Second Reading, Ordinance 5597, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** on Lot 30 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2706 Cactus Drive.
102. No. 10SV007 - Approve request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive**

the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code on Lots A and B of White Eagle Ranch, located in the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located at 14870 East Highway 44.

103. No. 10VR001 - A request by FMG, Inc. for Good Samaritan Society for a **Vacation of Right-of-Way** on the St. Martin's Road right-of-way located in the S1/2, excepting the southern 60.3 feet of said right-of-way, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of S.D. Highway 79 (Sturgis Road) and Hidden Valley Road.

#### END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Olson, second by Weifenbach and carried to close the public hearing for Items 95 – 225.

#### CONSENT PUBLIC HEARING ITEMS – Item 104 – 219

The following items were removed from the Consent Public Hearing Items:

104. No. 10CA010 – Approve a request by Larry Nelson for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential** on all of Block 11 of Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 229 Lindbergh Avenue.
218. Bully Blends Coffee and Tea Inc. DBA Bully Blends Coffee and Tea Shop, 908 Main Street, for a Retail (on-off sale) Malt Beverage License TRANSFER from 410 5<sup>th</sup> Street
219. Bully Blends Coffee and Tea Inc. DBA Bully Blends Coffee and Tea Shop, 908 Main Street, for a Retail (on-off sale) Wine License TRANSFER from 410 5<sup>th</sup> Street

Motion was made by Waugh, second by Olson, to approve the following items as they appear on the Consent Public Hearing Items. Motion carried with Alderman LaCroix abstaining.

#### ***Growth Management Items***

105. No. 10VR002 – Approve a request by Dream Design International, Inc. for a **Vacation of Right-of-way** on a portion of the Racine Street right-of-way, located in the SE1/4 of the SW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on Racine Street north of East Omaha Street between Waterloo Street and LaCrosse Street.

#### RESOLUTION #2010 - 070 RESOLUTION OF VACATION OF RIGHT-OF-WAY

WHEREAS it appears that a portion of the Racine Street right-of-way, located in the SE1/4 of the SW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Racine Street north of East Omaha Street between Waterloo Street and LaCrosse Street; is not needed for public purposes; and

WHEREAS the owner(s) of property adjacent to the above-described right-of-way desires said public right-of-way to be vacated and released.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the public right-of-way heretofore described, and as shown on Exhibit "A", attached hereto, and incorporated herein, is hereby vacated.

BE IT FURTHER RESOLVED, that the Mayor and Finance Officer are hereby authorized to execute a release of public right-of-way in regard thereto.

Dated this 7th day of June, 2010.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

### ***Alcohol Licenses***

106. Rushmore German Club for a Special Event Beer License for an event scheduled August, 20 through 28, 2010 at the Central States Fairgrounds, 800 San Francisco
107. Black Hills Home Builders Association for a Special Event Malt Beverage License for an event scheduled June 17, 2010 at Prairie Edge Trading Co., 606 Main Street
108. Rapid City Regional Hospital Foundation for a Special Event Wine License for an event scheduled June 19, 2010 at The Golf Club at Red Rock, 6520 Birkdale Drive
109. United Food Inc. DBA Toby's Casino, 714 Cleveland Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from Thomas J O'Meara DBA Toby's Casino, 710 Cleveland Street

### **2010 – 2011 Retail (on-off sale) Malt Beverage License Renewals WITH Video Lottery**

110. MG Oil Company DBA Warehouse Bar & Casino, 200 E Main Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
111. MG Oil Company DBA East North Casino #2, 230 E North Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
112. MG Oil Company DBA East St. Patrick Casino, 1226 E St. Patrick Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
113. MG Oil Company DBA Haines Ave. Casino, 1735 Haines Ave., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
114. MG Oil Company DBA Market Square Casino, 1624 E St. Patrick Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
115. MG Oil Company DBA LaCrosse Street Casino #1, 720 N LaCrosse St. Ste. A, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
116. MG Oil Company DBA LaCrosse Street Casino #2, 720 N LaCrosse St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery

117. MG Oil Company DBA Rushmore Casino, 1808 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
118. MG Oil Company DBA Rushmore Casino Too, 1808 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
119. MG Oil Company DBA BP Casino, 609 Mt. View Ste. C-1, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
120. MG Oil Company DBA Uncle Sam's West, 2730 West Main Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
121. MG Oil Company DBA Uncle Sam's East, 1120 E North Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
122. MG Oil Company DBA Uncle Sam's South, 2100 Jackson Blvd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
123. MG Oil Company DBA Happy Jack's East, 909 E St. Patrick St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
124. MG Oil Company DBA Happy Jack's Too, 909 St. Patrick St. #21, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
125. MG Oil Company DBA Happy Jack's Cambell, 1601 Cambell St. #3, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
126. MG Oil Company DBA Happy Jacks Valley, 747 Timmons Blvd. Ste. B, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
127. MG Oil Company DBA Happy Jacks I-90, 4036 Cheyenne Blvd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
128. MG Oil Company DBA Happy Jacks Downtown, 713 Omaha St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
129. MG Oil Company DBA Happy Jacks Omaha, 1109 W Omaha St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
130. MG Oil Company DBA Happy Jacks Rushmore, 2201 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
131. D&S Time Square Inc. DBA Breakroom Casino, 355 11<sup>th</sup> Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
132. Fox Family Enterprises Inc. DBA Rodeway Inn, 2208 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
133. Linda and Frank Morrison DBA Thirsty's, 819 Main Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery

134. Dean'O's Casino Inc. DBA Dean'O's Casino, 903 E North Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
135. Carolyn's Casinos Inc. DBA Carolyn's Too, 1141 Deadwood Ave. #2, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
136. Carolyn's Casinos Inc. DBA Carolyn's Too, 1141 Deadwood Ave. #2, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery – INACTIVE
137. Hungrys Restaurants Inc. DBA Marlins Roadhouse Grill, 2803 Deadwood Ave., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
138. Bach Investment Inc. DBA Hideaway Casino, 1575 N LaCrosse St. Ste. D, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
139. Entertainment Inc. DBA Nu Robbinsdale Casino, 803 E St. Patrick Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
140. Bosselman Inc. of South Dakota DBA Bosselman Travel Center, 2783 Deadwood Ave., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
141. CCKT Inc. DBA King of Hearts Casino, 3030 W Main Street Ste. A, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
142. CCKT Inc. DBA Queen of Hearts Casino, 316 E Boulevard, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
143. Rapid City Elks Lodge #1187 DBA Elks Lodge, 3333 E 39<sup>th</sup> Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
144. Dave M and Linda K Handley DBA Hot Spot Casino, 420 E St. Patrick Street #107, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
145. WR Rapid City Ventures LP DBA Oakleaf Beer Garden, 2211 N LaCrosse St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
146. TADY LLC DBA Sports Buzz, 2010 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
147. United Food Inc. DBA Toby's Casino South, 710 Cleveland St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
148. United Food Inc. DBA Toby's Casino, 720 E North Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
149. United Food Inc. DBA Toby's Casino, 714 Cleveland Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
150. Peaceful Pines Casino Inc. DBA West Main Square Casino, 3205 W Main Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
151. Colonial House Inc. DBA Colonial House, 2501 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery

152. Rapid Bowl Inc. DBA Meadowood Lanes, 3809 Sturgis Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
153. Poker Joe's Inc. DBA Poker Joe's, 211 Cambell Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
154. CMS LLC DBA The Hall Inn, 214 E St. Joe St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery

2010 – 2011 Retail (on-off sale) Malt Beverage License Renewals NO Video Lottery

155. Black Hills Amateur Baseball Inc. DBA Black Hills Amateur Baseball, McKeague Field, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
156. Mae Jean Adams DBA The Corn Exchange, 727 Main Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
157. Central States Fair Inc. DBA Central States Fair, 800 San Francisco St., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
158. Botticellis Ristorante Italiano Inc. DBA Botticellis Ristorante Italiano, 523 Main Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
159. Mai T Goodsell DBA Saigon Restaurant, 221 E North Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
160. Two Lefties and Panchos DBA Pancheros Mexican Grill, 1221 W Omaha Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
161. Rapid City Softball Assoc., 1511 Sedivy Lane, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
162. Wine Cellar Restaurant LLC DBA Wine Cellar Restaurant, 513 6<sup>th</sup> Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
163. Chrisbro LLC DBA Hampton Inn, 1720 Rapp St., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
164. Century Motels Inc. DBA Howard Johnson Express Inn & Suites, 950 North Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
165. Lisa Holbrook DBA The Beanery, 201 Main Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
166. Piesanos Pacchia Inc. DBA Piesanos Pacchia, 3618 Canyon Lake Dr. #121, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
167. Black Hills Coffee Company DBA Black Hills Coffee, 5955 S Hwy. 16 Ste. G, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
168. Ugly Inc. DBA Budd Ugly's/Sports Rock, 321 7<sup>th</sup> Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery

169. S&Y Inc. DBA Golden Phoenix Restaurant, 2421 W Main Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
170. Bully Blends Coffee and Tea Inc. DBA Bully Blends Coffee and Tea Shop, 410 5<sup>th</sup> Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
171. Walter Banovic DBA Picasso Barn Pizzeria, 325 Omaha Street #6, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
172. GF Pizza Inc. DBA Godfathers Pizza, 110 Cambell Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
173. CEC Entertainment DBA Chuck E Cheeses, 30 Knollwood Dr., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
174. Museum Alliance of Rapid City Inc. DBA The Journey Museum, 222 New York Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
175. Black Hills Beau Jo's LLC DBA Beau Jo's Pizza, 2520 W Main Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
176. Asian Garden Inc. DBA Asian Garden, 740 Mt. View Rd., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
177. Li Zhu Zhu DBA Hong Kong Buffet, 927 E North Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
178. Coco Palace LLC DBA Coco Palace, 1900 N Maple Ave., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
179. Delmonico Grill Inc. DBA Delmonico Grill, 609 Main Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
180. Jim Berger and Rhonda Berger DBA Ichiban, 1109 W Omaha Street Ste. A, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
181. NPC International Inc. DBA Pizza Hut #2776, 2604 W Main Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
182. NPC International Inc. DBA Pizza Hut #2777, 2005 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
183. Uncork'd Wine and Tapas Bar LLC DBA Uncork'd Wine and Tapas Bar, 5734 Sheridan Lake Rd. #107, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
184. Dadah Kids Corp DBA Pauly's Pizzeria and Sub Co., 1624 E St. Patrick St. #101, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
185. Black Hills Food Services Inc. DBA Fuddruckers, 2200 N Maple Ave. #330, for a Retail (on-off sale) Malt Beverage License NO Video Lottery

186. Rapid City Arts Council Inc. DBA Dahl Arts Center, 713 7<sup>th</sup> Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
187. Sergio and Ana Munoz DBA Sabor A Mexico, 208 E North Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
188. Los Espinos LLC DBA LaCosta Mexican Restaurant, 603 Omaha St., for a Retail (on-off sale) Malt Beverage License NO Video Lottery

2010 – 2011 Package (off-sale) Malt Beverage License Renewals

189. Fresh Start Convenience Stores Inc. DBA Fresh Start – Rapid City, 520 Birch Avenue, for a Package (off-sale) Malt Beverage License
190. B&L Inc. DBA Boyds Liquor Mart, 909 E. St. Patrick Street, for a Package (off-sale) Malt Beverage License
191. B&L Inc. DBA Boyds Liquor Mart, 655 Mountain View Rd., for a Package (off-sale) Malt Beverage License
192. MG Oil Company DBA Corner Pantry #8, 302 E North Street, for a Package (off-sale) Malt Beverage License
193. MG Oil Company DBA Corner Pantry #9, 1220 E St. Patrick Street, for a Package (off-sale) Malt Beverage License
194. MG Oil Company DBA Corner Pantry #10, 1818 Mt. Rushmore Rd., for a Package (off-sale) Malt Beverage License
195. MG Oil Company DBA Corner Pantry #14, 501 Deadwood Ave., for a Package (off-sale) Malt Beverage License
196. MG Oil Company DBA Corner Pantry #13, 310 E. Fairmont Blvd., for a Package (off-sale) Malt Beverage License
197. Carol Enterprises DBA Don's Valley Express, 4030 Cheyenne Blvd., for a Package (off-sale) Malt Beverage License
198. Fuel Food Mart Inc. DBA Corner Pantry #4, 901 E North Street, for a Package (off-sale) Malt Beverage License
199. Fuel Food Mart Inc. DBA Corner Pantry #5, 601 Mt. View Rd., for a Package (off-sale) Malt Beverage License
200. Nash Finch Company DBA Family Thrift Center #254, 855 Omaha Street, for a Package (off-sale) Malt Beverage License
201. Target Corporation DBA Target Store T-2457, 1415 Eglin Street, for a Package (off-sale) Malt Beverage License
202. I-90 Service Center Inc. DBA I-90 Service Center, 2213 N LaCrosse Street, for a Package (off-sale) Malt Beverage License

203. Country Stores Inc. DBA BJ's St. Patrick Street, 701 E St. Patrick Street, for a Package (off-sale) Malt Beverage License
204. Wal-Mart Stores Inc. DBA Wal-Mart Supercenter #1604, 1200 N LaCrosse St., for a Package (off-sale) Malt Beverage License
205. Superpumper Inc. DBA Superpumper #27, 2215 Haines Ave., for a Package (off-sale) Malt Beverage License
206. Superpumper Inc. DBA Superpumper #16, 3275 S Hwy. 79, for a Package (off-sale) Malt Beverage License
207. Big D Oil Co. DBA Big D Oil Co Store #42, 850 E North Street, for a Package (off-sale) Malt Beverage License
208. Big D Oil Co. DBA Big D Oil Co Store #41, 1160 LaCrosse Street, for a Package (off-sale) Malt Beverage License
209. Big D Oil Co. DBA Big D Oil Co. #17, 3540 Sturgis Rd., for a Package (off-sale) Malt Beverage License
210. Big D Oil Co. DBA Big D Oil Co. #8, 2303 Jackson Blvd., for a Package (off-sale) Malt Beverage License
211. Safeway Stores Inc. DBA Safeway Store 581, 2120 Mt. Rushmore Rd., for a Package (off-sale) Malt Beverage License
212. Safeway Stores Inc. DBA Safeway Store 1554, 730 Mt. View Rd., for a Package (off-sale) Malt Beverage License
213. Jim Buchli DBA Rushmore Sinclair, 2420 Mt. Rushmore Rd., for a Package (off-sale) Malt Beverage License

2010 – 2011 Package (off-sale) Malt Beverage and South Dakota Farm Wine License Renewals

214. Fancies Flowers and Gifts Inc. DBA Fancies Flowers and Gifts, 1301 Mt. Rushmore Rd., for a Package (off-sale) Malt Beverage and SD Farm Wine License
215. La Grand Station LLC DBA La Grand Station, 3851 Eglin Street, for a Package (off-sale) Malt Beverage and SD Farm Wine License
216. Bosselman Inc. of South Dakota DBA Bosselman Travel Center, 2783 Deadwood Ave., for a Package (off-sale) Malt Beverage and SD Farm Wine License
217. Recreational Adventures Co. DBA KOA Kampground, 3010 E Hwy. 44, for a Package (off-sale) Malt Beverage and SD Farm Wine License

END OF CONSENT PUBLIC HEARING CALENDAR

The Mayor presented (No. 10CA010) a request by Larry Nelson for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential** on all of Block 11 of Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 229 Lindbergh Avenue. Elkins explained that the Future

Land Use committee revised their recommendation to be a medium density residential with a planned development, and this has been discussed with the applicant. Motion was made by Olson, second by Costello, to deny the request. Olson said this is appropriate to ensure additional oversight that benefits the neighborhood. Motion carried.

The Mayor presented a request by Bully Blends Coffee and Tea Inc. DBA Bully Blends Coffee and Tea Shop, 908 Main Street, for a Retail (on-off sale) Malt Beverage License TRANSFER from 410 5<sup>th</sup> Street; and a request by Bully Blends Coffee and Tea Inc. DBA Bully Blends Coffee and Tea Shop, 908 Main Street, for a Retail (on-off sale) Wine License TRANSFER from 410 5<sup>th</sup> Street. Motion was made by Olson, second by Waugh and carried to continue the requests to the June 21, 2010 City Council meeting.

#### **NON-CONSENT PUBLIC HEARING ITEMS** – Items 220 – 225

Ordinance 5608 (No. 10RZ031) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Larry Nelson for a **Rezoning from Low Density Residential District to Medium Density Residential District** on all of Block 11 of Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 229 Lindbergh Avenue. Motion was made by Olson, second by Costello and carried to continue the second reading to the July 19, 2010 City Council meeting.

Motion was made by Olson, second by Waugh and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment of street improvements as they abut the east 90 feet less north 8.5 feet of Block 103, the west 50 feet less the north 8.5 of Block 102, the east 115 feet less the north 8.5 feet of Block 102 all in Mahoney Addition, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at located at 125, 131 and 133 MacArthur. (09SV025)

The Mayor presented (No. 09SV025) A request by Fisk Land Surveying & Consulting Engineers for Ehli Family Trust for a **Variance to the Subdivision Regulations to waive the requirement to allow a one foot public access and utility easement in lieu of a one foot right-of-way dedication and to reduce the pavement width from 27 feet to 24 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lots C, D and E of Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the east 90 feet less the north 8½ feet of Block 103, the west 50 feet less the north 8½ feet of Block 102, the east 115 feet less the north 8½ feet of Block 102 all in Mahoney Addition, located in the SE¼ of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 125, 131 and 133 MacArthur. Motion was made by Olson, second by Waugh and carried to approve the request with the following stipulations: 1. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall submit a revised plat document identifying a one foot Public Access and Utility Easement along the north lot lines; and 2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the pavement improvement.

The Mayor presented (No. 10SE005) A request by Dixie Holy Eagle for Great Plains Okolakiciye for a **Special Exception to the Flood Area Construction Regulations** on Tract 20 less H1 of Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in Memorial Park north of Omaha Street between North Mt. Rushmore Road and Fifth Street. Motion was made by Olson, second by Waugh and carried to approve the request with the following stipulations: 1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director, or the Public Works Director; 2. That the structures for the event be removed that evening after the event has ceased; 3. That contact information and telephone numbers for the event staff during the event shall be provided to the Police Chief, Fire Chief, Mayor,

Emergency Management Director, or the Public Works director; and, 4. That no overnight camping will be permitted.

The Mayor presented (No. 10UR004) **An Appeal of Planning Commission's decision** on a request by Lamar Advertising for a **Conditional Use Permit to allow an electronic billboard** on Lot 9 of Lot K-3, less Lot H-1 of Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 532 East Anamosa Street. Motion was made by Olson, second by Waugh to deny. Upon roll call vote being taken, the following voted AYE: Chapman, Olson, Waugh, Kooiker and Costello; NO: LaCroix, Weifenbach, Kroeger, Hadcock and Martinson. Mayor Hanks voted AYE to break the tie. Motion carried.

The Mayor presented (No. 10UR005) **An Appeal of Planning Commission's decision** on a request by Lamar Advertising for a **Conditional Use Permit to allow an electronic billboard** on Lots 1 thru 3 of Block 11 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1602 Mt. Rushmore Road. Motion was made by Olson, second by Waugh to deny. Upon roll call vote being taken, the following voted AYE: Waugh, Kooiker, Costello, Chapman and Olson; NO: Kroeger, Hadcock, Martinson, LaCroix and Weifenbach. Mayor Hanks voted AYE to break the tie. Motion carried.

## **BILLS**

The following bills have been audited:

Payroll Paid Ending 05-08-10, Paid 05-14-10	329.59
Payroll Paid Ending 05-08-10, Paid 05-14-10	871,464.65
Payroll Paid Ending 05-08-10, Paid 05-14-10	2,742.08
Payroll Paid Ending 05-31-10, Paid 05-28-10	1,221,330.96
Payroll Paid Ending 05-22-10, Paid 05-28-10	123.48
Payroll Paid Ending 05-22-10, Paid 05-28-10	855,935.67
Payroll Paid Ending 05-22-10, Paid 05-28-10	2,742.08
Pioneer Bank, Taxes Paid 05-14-10	202,781.58
Pioneer Bank, Taxes Paid 05-14-10	193.77
Pioneer Bank, Taxes Paid 05-14-10	288,069.11
Pioneer Bank, Taxes Paid 05-14-10	200,027.75
Pioneer Bank, Taxes Paid 05-14-10	193.57
South Dakota Dept of Revenue, CCTR Tax Paid 05-21-10	39,607.41
South Dakota Dept of Revenue, Sales Tax Paid 05-21-10	33,904.59
South Dakota Dept of Revenue, Excise Tax Paid 05-21-10	15.60
First Administrators, claims paid 05-19-10	83,073.03
First Administrators, claims paid 05-26-10	63,178.75
First Administrators, claims paid 06-02-10	94,611.92
SD Retirement Special Pay Plan, Paid 05-28-10	90.00
Berkley Risk Administrators, Paid 06-01-10	57,803.60
Montana Dakota Utilities, Paid 05-26-10	22,916.27
US Bank, Paid 06-02-10	13,872.45
Black Hills Power and Light, Paid 05-26-10	178,910.75
Bank West, TID36, Paid 05-24-10	142,863.58
Bank West, TID44, Paid 05-24-10	388,475.09
Bank West, TID54, Paid 05-24-10	90,299.70
Bank West, TID55, Paid 05-24-10	197,898.80
Bank West, TID56, Paid 05-24-10	255,619.41
Black Hills Community Bank, TID46, Paid 05-24-10	137,615.29
City of Rapid City, TID42, Paid 05-24-10	169,562.65

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City of Rapid City, TID55, Paid 05-24-10	62,494.36
Dacotah Bank, TID40, Paid 05-24-10	10,388.07
First Interstate Bank, TID41, Paid 05-24-10	145,465.96
First Interstate Bank, TID50, Paid 05-24-10	34,708.96
First National Bank, TID53, Paid 05-24-10	6,936.82
Great Western Bank, TID38, Paid 05-24-10	112,034.98
Pioneer Bank and Trust, TID48, Paid 05-24-10	2,260.48
SD Housing Development Authority, TID51, Paid 05-24-10	66,157.07
US Bank, TID19, Paid 05-24-10	108,118.36
US Bank, TID61, Paid 05-24-10	28,653.58
Computer Bill List	<u>4,132,660.92</u>
Subtotal	\$10,326,132.74
Payroll Paid Ending 05-08-10, Paid 05-14-10	2,866.49
Payroll Paid Ending 05-22-10, Paid 05-28-10	2,852.53
Pioneer Bank, Taxes Paid 05-14-10	219.28
Pioneer Bank, Taxes Paid 05-28-10	218.21
City of Rapid City - Postage	<u>173.82</u>
Total	\$10,332,463.07

Preston requested to add a payment to Lipp Construction for Transit Shelter Insulation Change Order 1 Final in the amount of \$3,342.53 and Simon Construction for 5th Street Pedestrian Crossing Change Order 1 Final in the amount of \$630.74. The new bill list total is \$10,336,436.34. Motion was made by LaCroix, second by Waugh and carried to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof.

**ADDENDUM**

Motion was made by Costello, second by LaCroix and carried to continue to the June 21, 2010 City Council meeting (No. 10FV005) A request by Sara Baron Houy for a Fence Height Exception to allow a six foot high fence within the 25 front yard setback on Lot C of Lot 10 of Block 1 of Chapel Valley Subdivision, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4515 Steamboat Circle.

**EXECUTIVE SESSION** for the purposes permitted by SDCL 1-25-2

Motion was made by Costello, second by Chapman and carried to go into Executive Session at 11:53 P.M. for the reasons permitted by SDCL 1-25-2. The Council came out of Executive Session at 12:40 A.M. with all members present.

**STAFF DIRECTION**

Motion was made by Waugh, second by LaCroix and carried to authorize the Public Works Director to extend an offer to acquire right-of-way in accordance with the discussion in Executive Session.

Motion was made by Waugh, second by Costello and carried to direct the City Attorney to notify the International Association of Firefighters of the City's declaration of impasse in the contract negotiations.

**ADJOURN**

As there was no further business to come before the Council at this time, the meeting was adjourned at 12:41 A.M.

ATTEST:

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Office

(SEAL)